

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. CR08-082-RSL  
)  
Plaintiff, )  
)  
v. )  
) DETENTION ORDER  
GARY CHARLES KILCUP, )  
)  
Defendant. )  
\_\_\_\_\_ )

Offense charged: Conspiracy to Distribute Cocaine and Crack Cocaine; Possession of  
Cocaine with Intent to Distribute

Date of Detention Hearing: March 25, 2008

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
that no condition or combination of conditions which defendant can meet will reasonably assure  
the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both  
02 dangerousness and flight risk, under 18 U.S.C. §3142(e).

03 2. Defendant's past criminal history includes previous firearms and drug charges,  
04 including bench warrant activity and failures to report for hearing.

05 3. The AUSA proffers that during the course of the investigation, the defendant was  
06 heard on wiretap stating that he possessed a firearm and threatening to retaliate against an  
07 individual alleged to have been either a victim or witness in a crime committed by his son. A  
08 firearm associated with the defendant has not been located by law enforcement. The AUSA  
09 proffers that defendant engaged in numerous counter surveillance measures during the course of  
10 the investigation which led to the current charges. A large quantity of cocaine was taken from  
11 defendant's residence at the time of arrest.

12 4. Taken as a whole, the record does not effectively rebut the presumption that no  
13 condition or combination of conditions will reasonably assure the appearance of the defendant as  
14 required and the safety of the community.

15 It is therefore ORDERED:

16 (1) Defendant shall be detained pending trial and committed to the custody of the  
17 Attorney General for confinement in a correction facility separate, to the extent  
18 practicable, from persons awaiting or serving sentences or being held in custody  
19 pending appeal;

20 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
21 counsel;

22 (3) On order of a court of the United States or on request of an attorney for the

01 Government, the person in charge of the corrections facility in which defendant is  
02 confined shall deliver the defendant to a United States Marshal for the purpose of  
03 an appearance in connection with a court proceeding; and

- 04 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
05 counsel for the defendant, to the United States Marshal, and to the United States  
06 Pretrial Services Officer.

07 DATED this 25th day of March, 2008.

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09 Mary Alice Theiler  
10 United States Magistrate Judge  
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